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RESOLUTION NO. 04-571

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 47, MAIN 24, WAR INDUSTRIES SEWER, (NORTH OF 13TH, EAST OF WEBB) 468-83897**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **LATERAL 47, MAIN 24, WAR INDUSTRIES SEWER, (NORTH OF 13TH, EAST OF WEBB) 468-83897**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 47, Main 24, War Industries Sewer, (north of 13th, east of Webb) 468-83897**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Fifty-two Thousand Five Hundred Dollars (\$52,500)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2004**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE WATERFRONT FIFTH ADDITION

Lots 1 and 2, Block 1;

UN-PLATTED TRACT

A tract of land lying in the Southwest Quarter, Section 9, Township 27 South, Range 2 East, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the Southeast corner of the said Southwest Quarter, thence along the East line of said Southwest Quarter on a Kansas South Zone Grid Bearing of N01°00'39"W, 695 feet to the Northeast corner of The Waterfront Fifth Addition, an addition to Wichita, Sedgwick County, Kansas, said corner being the **POINT OF BEGINNING**, thence along the North line of said addition, S89°00'49"W, 831.49 feet to the Northwest corner of said addition; thence N01°47'31"W, 288.98 feet; thence N02°15'41"E, 71.72 feet; thence N11°23'49"E, 133.91 feet; thence N59°03'20"E,

173.63 feet; thence N79°54'56"E, 431.63 feet; thence N54°57'38"E, 272.53 feet to the East line of said Southwest Quarter; thence along said East line, S01°00'39"E, 798.92 feet to the **POINT OF BEGINNING**.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lot 1, Block 1 within The Waterfront Fifth Addition shall pay 547/10,000 of the total cost payable by the improvement district. Lot 2, Block 1 within The Waterfront Fifth Addition shall pay 4,028/10,000 of the total cost payable by the improvement district. The Un-platted Tract shall pay 5,425/10,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, October 12, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)